

**COUNCIL MEETING
AGENDA
January 19, 2015
8:00 PM
BLUFFTON TOWN HALL**

MINUTES January 5, 2015

BILLS

ORDINANCE NO. 19-14 **3RD READING**
AMENDING ORDINANCE 12-11 (FIXING RATE AND CHARGES FOR WATER SERVICE FOR THE VILLAGE OF BLUFFTON, ALLEN COUNTY, OHIO, ITS' INHABITANTS AND OTHER USERS) AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

ORDINANCE NO. 20-14 **3RD READING**
AMENDING ORDINANCE 11-11 (FIXING RATE AND CHARGES FOR SEWER SERVICE FOR THE VILLAGE OF BLUFFTON, ALLEN COUNTY, OHIO, ITS' INHABITANTS AND OTHER USERS) AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

ORDINANCE NO. 21-14 **3RD READING**
AMENDING ORDINANCE NO. 15-02 (FIXING RATES AND CHARGES FOR THE OPERATIONS AND CLEANUP OF THE YARD WASTE RECYCLING CENTER IN THE VILLAGE OF BLUFFTON, ALLEN COUNTY, OHIO, FOR ITS INHABITANTS AND OTHER USERS).

ORDINANCE NO. 01-15 **1ST READING** **EMERGENCY**
AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2015 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 01-15 **1ST READING** **EMERGENCY**
A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF MAKING APPLICATION AND ACCEPTING FUNDS FROM THE RECREATIONAL TRAILS PROGRAM AND/OR THE CLEAN OHIO TRAIL FUND FOR THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY.

ADMINISTRATOR'S REPORT

SAFETY

MEETING DATES

January 19, 2015	Council	8:00 PM
January 19, 2015	Alley Vacation Hearing	8:15 PM
February 2, 2015	Council	8:00 PM
February 2, 2015	Alley Vacation Hearing	8:15 PM

Mayor Augsburger presiding. Messrs: Collier, Sehlhorst, Steiner, Talavinia, and Warren present. Mr. Burrell absent.

Mr. Warren moved, seconded by Mr. Sehlhorst to approve the minutes of the regular council meeting held on December 15 2014. Roll Call: Yes (5) Messrs: Warren, Sehlhorst, Collier, Steiner, and Talavinia. No (0), motion approved.

Mr. Steiner moved, seconded by Mr. Collier to approve the bills as presented. Total non-payroll of \$346,662.67 and payroll of \$37,777.74. Roll Call: Yes (5) Messrs: Steiner, Collier, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Warren to nominate Dave Steiner as Council President for 2015. No other nominations made. Roll Call: Yes (5) Messrs: Sehlhorst, Warren, Collier, Steiner, and Talavinia. No (0), motion approved.

Mr. Steiner moved, seconded by Mr. Sehlhorst to set regular Council meetings for the 1st and 3rd Mondays of each month at 8:00 pm at Town Hall, with the exception of the May 4th meeting will be held at the airport and the 1st meeting of September will be moved to Tuesday, September 8 due to the Labor Day holiday. Roll Call: Yes (5) Messrs: Steiner, Sehlhorst, Collier, Talavinia, and Warren. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Collier to approve the second reading of Ordinance No. 19-14: AMENDING ORDINANCE 12-11 (FIXING RATE AND CHARGES FOR WATER SERVICE FOR THE VILLAGE OF BLUFFTON, ALLEN COUNTY, OHIO ITS INHABITANTS AND OTHER USERS) AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH. Roll Call: Yes (5) Messrs: Sehlhorst, Collier, Steiner, Talavinia, and Warren. No (0), motion approved.

Mr. Collier moved, seconded by Mr. Steiner to approve the second reading of Ordinance No. 20-14: AMENDING ORDINANCE 11-11 (FIXING RATE AND CHARGES FOR SEWER SERVICE FOR THE VILLAGE OF BLUFFTON, ALLEN COUNTY, OHIO ITS INHABITANTS AND OTHER USERS) AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH. Roll Call: Yes (5) Messrs: Collier, Steiner, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

Mr. Steiner moved, seconded by Mr. Talavinia to approve the second reading of Ordinance No. 21-14: AMENDING ORDINANCE NO. 15-02 (FIXING RATES AND CHARGES FOR THE OPERATIONS AND CLEANUP OF THE YEARD WASTE RECYCLING CENTER IN THE VILLAGE OF BLUFFTON, ALLEN COUNTY, OHIO, FOR ITS INHABITANTS AND OTHER USERS). Roll Call: Yes (5) Messrs: Steiner, Talavinia, Collier, Steiner, and Warren. No (0), motion approved.

The Fiscal Officer announced the following meetings:

January 7, 2015	Planning Commission Hearing	7:00 PM
January 12, 2015	Ordinance Committee	7:00 PM
January 15, 2015	Airport Advisory Commission	7:30 PM
January 19, 2015	Council	8:00 PM
January 19, 2015	Alley Vacation Hearing	8:15 PM
February 2, 2015	Alley Vacation Hearing	8:15 PM

Mr. Talavinia moved, seconded by Mr. Steiner to accept the resignation of DeAngelo Welch as a part-time patrol officer, effective January 5, 2015. Roll Call: Yes (5) Messrs: Talavinia, Steiner, Collier, Sehlhorst, and Warren. No (0), motion approved.

Mr. Steiner moved, seconded by Mr. Talavinia to approve the purchase of ten (10) sets of fire department turn-out gear from Finley Fire, at a cost not to exceed \$22,000.00. Roll Call: Yes (5) Messrs: Steiner, Talavinia, Collier, Sehlhorst, and Warren. No (0), motion approved.

Mr. Collier moved to adjourn.

MAYOR

FISCAL OFFICER

Minutes of the Bluffton Airport Advisory Commission

January 15, 2015

Present: Mayor, Judy Augsburger, Dave Blank, Roger Edwards, Tony Pinks, Nick Vance (FBO), Dave Steiner, Bill Suter, Roger Warren, Steve Chamberlain, Jamie Mehaffie

Absent: Jim McKibben, Mike Conrad, Dave Steiner

Mayor, Judy Augsburger called the meeting to order at 7:30 P.M.

The Minutes of December 11 were amended showing that Dave Steiner is a Council member. The minutes were accepted with the one change.

Repair of the metal Behlen terminal building

Dave Blank reported that he has been in contact with Behlen on several occasions regarding repairs to the building. It appears that condensation may have caused corrosion at two locations. Behlen has not determined exactly what corrective action must be taken. Their preliminary assessment is that the repairs will not require major intervention. Behlen is checking old plans they have on file and determining the availability of metal replacement parts.

Doors on the Main Terminal Building

Nick Vance was asked if the large hangar doors were troublesome because of the ground "heaving". He indicated that "heaving" was not very likely, because the building is heated continuously. Some repair parts and paint this coming summer will likely remediate any problems.

Asked about the "garage doors" on the northeast side of the main terminal hanger, Nick Vance said they are working fine presently. He also stated that if they do require replacement in the future, it may be a good idea to just create a building extension without expensive doors, since the current doors would require expensive replacements.

Pump Problems with the Fuel Island

Nick Vance was asked if the 100LL pump was still having problems holding pressure. He said that there may be a leak in the pump or tank that is causing the system to lose pressure. The problem is yet to be exactly diagnosed. The estimated repair of the current pump & tank system is approximately \$8,000.

If the underground tank is leaking and needs replacement Nick indicated he has a fuel-truck scenario that will probably allow removal of the old underground tank while still providing fuel services to aircraft.

Engineering Firms

The FAA requires airports, like 5G7, that belong to the Federal Airport Improvement Program (AIP) to submit a "Ten Year Plan". The Plan and all aviation related projects must be overseen by an FAA approved engineering firm if federal grants are to be made to this airport. There was consensus that we should consider several engineering firms, allowing each firm "sell" their services to us. Below is a list of possible firms already compiled by Jamie Mehaffie and Nick Vance.

Richland Engineering – The current 5G7 engineering firm, Mansfield, Ohio

Woolpert Inc. of Dayton, Ohio

CBM Smith

RS & H Engineering

Jamie Mehaffie indicated he will create a Request for Proposals.

Dave Blank suggested the Airport Commission may want to consider informal talks with any interested candidates.

Ten Year Plan for 5G7

A list was started for the Ten Year plan that must be supplied to the FAA to obtain funding for future projects. The items listed below are considered to be "a start" but by no means complete. Airport Commission members were asked to consider what should be included on the list.

- 1) **"Fuel Farm" with Credit Card Reader** to replace the failing underground tank system now in place.
- 2) **Resurfacing** of existing runway/taxiway

Nick suggested the airport consider buying a used crack-sealer possibly at auction, so we could start doing or own crack-sealing. This item could also be used on Bluffton Village streets, etc. This approach might save lots of paper work and allow quick response to pavement problems by airport personnel.
- 3) **Bathroom Remodeling** or replacement, allowing after-hour bathroom access by using a key pad door lock and codes known to pilots. Note: Bathroom "access in a hurry" is a common requirement for pilots and passengers.
- 4) **Removal and/or Remediation** of the incomplete runway extension. It was stated that the current condition of this extension is an eyesore.
- 5) **Removal of the taxi-way** that does not meet FAA standards, by being too close to the main runway.

(The preceding list will be amended in the future – more time and discussions are anticipated via email and Airport Commission meetings.)

The Route 103 Properties

Abandoned Gas Station

Steve Chamberlain reported that the current property owners generally respond to nothing and the behavior may continue. BUSTER must make contact with the owners to resolve the clean-up issue with their old filling station property. If the issue is not resolved BUSTER will refer the case to the Ohio Attorney General's Office.

Tony Pinks asked what happens after the Attorney General's Office considers the case. Steve indicated that it is likely:

- 1) The Village of Bluffton will be able to do an Administrative Foreclosure on the property.
- 2) The Village of Bluffton will likely be given funds to deal with the clean-up or an interest free loan.
- 3) The Village of Bluffton may then recoup money by selling the property.

It was noted that The Village of Bluffton may not recoup all loses by the above scenario, but if nothing is done, everything will likely get worse. There seemed to be consensus on this point.

Abandoned Restaurant

Steve Chamberlain indicated the Village of Bluffton will have the property evaluated for code violations that may exist. Hopefully the owners will knock down the building, clean up the site, and sell it. The owners apparently hope to financially break even on the property. Steve indicated The Village is willing to work with them, but something has to happen.

Fuel Farm Pre-Application

Jamie Mehaffie reported that he has submitted a pre-application to the FAA for a grant to remove the underground fuel tanks and replace them with an above ground "fuel farm" and Credit Card Reader system with a value up to \$249,500. Jamie indicated that he expected a response in February or March. Jamie also submitted a grant proposal for \$253,000 to the FAA to cover the cost of the Ten Year Plan engineering and development costs.

The next meeting will be on Thursday, February 19th at 7:30 P.M. and is open to the public.

Submitted by Bill Suter , Co-Chairman Bluffton Airport Commission

Village of Bluffton
Bills to be paid
1/19/2015

PAYROLL:

Village	\$ 35,309.39
Longevity	\$ 5,173.95
Fire & Rescue	\$ 5,137.80
TOTAL PAYROLL	\$ 45,621.14

NON-PAYROLL:

Allen Co Sheriff	Dispatching Services	\$ 31,878.00
Alloway	Lab Analysis	\$ 1,388.60
All Service Aeration	Portable Toilets	\$ 317.50
Auditor of State	Audit	\$ 307.50
Bluffton Flying Service	Management Fee & Electricity	\$ 4,912.00
Bluffton News	Publishing	\$ 161.50
Bluffton Stone	Small Berm	\$ 23.13
Dan Bowden	Reimburse CEU's	\$ 396.25
Choice One Engineering	Bikepath Engineering	\$ 186.20
Digital Data	Mobile Annual Unit License & Communication Annual Fi	\$ 1,050.00
Hancock- Wood	Electricity	\$ 200.55
Lima Sporting Goods	DARE T-Shirts	\$ 458.50
Motorola	New Radio	\$ 3,186.00
Nagy Equipment	Hydraulic Hose	\$ 516.30
Ohio Municipal League	Mayor's Court Training- D. Steiner	\$ 190.00
AEP	Electricity	\$ 24,634.89
OUPS	Manual Call-Outs	\$ 4.00
Perry Corp	Copier Maintenance	\$ 70.41
Sausser Steel	Rent- Oxygen & Acetylene	\$ 55.20
Shell	Gasoline	\$ 1,670.72
SmartBill	Utility Bill Printing & Postage	\$ 734.13
Town & Country Flowers	Flowers	\$ 43.00
	Total Non-Payroll	\$ 72,384.38

 Mayor/ Council President

X: Then and Now Approved by Council
 A: Addition to list

ORDINANCE NO. 01 -15

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2015 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio Legislature enacted various legislation that caused changes to be made to American Legal Publishing's Ohio Basic Code.

WHEREAS, American Legal Publishing's Ohio Basic Code, 2015 Edition, reflects the changes made to Ohio Law during 2014.

WHEREAS, it is necessary to provide for the usual daily operation of the Village and for the immediate preservation of the public peace, health, safety and general welfare of the Village that this ordinance take effect at an early date.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

Section 1. American Legal Publishing's Ohio Basic Code, 2015 Edition, as reviewed by the Village Council, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village of Bluffton is hereby obsolete and is hereby replaced in its' entirety by this Ohio Basic Code, 2015 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2015 Edition, certified as correct by the Mayor and Village Fiscal Officer of the Village of Bluffton, as required by Ohio Revised Code §731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village of Bluffton. The Fiscal Officer is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code §731.23. Such summary is attached hereto and marked as "Exhibit A".

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, 2015 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect indictment or prosecution therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(B) The repeal provided above shall not affect:

- a. The grant or creation of a franchise, license, right, easement or privilege;
- b. The purchase, sale, lease or transfer of property;
- c. The appropriation or expenditure of money or promise or guarantee of payment;
- d. The assumption of any contract or obligation;

- e. The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- f. The levy or imposition of taxes, assessments or charges;
- g. The establishment, naming, vacating or grade level of any street or public way
- h. The dedication of property or plat approval;
- i. The annexation or detachment of territory;
- j. Any legislation enacted subsequent to the adoption of this ordinance.
- k. Any legislation specifically superseding the provision of the Ohio Basic Code.

Section 4. That the following sections are hereby made part of and added to the Ohio Basic Code, 2015 Ed. that is adopted as the Code of Ordinances of the Municipality of the Village of Bluffton, Ohio pursuant to Section 10.15 thereof:

- 72.18 Nuisance Operation of Motor Vehicle
- 72.199 Regulations on Golf Carts, Utility Vehicles, and Other Under Speed Vehicles
- 93.50 Loud Sound Amplification Systems
- 76.50 Parking during Snow Emergency
- 132.20 Intoxication
- 139.20 Curfew
- 139.21 Reward for Information leading to conviction of Vandals

the full text of which is attached hereto, and incorporated herein by reference.

Section 5. That an emergency exists in the operation of the Village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof.

Section 6. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed and Adopted the _____ day of _____, 2015, by the the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Noes: _____ Abstain: _____

Attest:

FISCAL OFFICER

MAYOR

Approved as to Form:

VILLAGE SOLICITOR

CERTIFICATION OF CODIFIED ORDINANCES

We, the Mayor and the Clerk of the Village of Bluffton, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Bluffton, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Village of Bluffton, Ohio.

FISCAL OFFICER

MAYOR

RESOLUTION NO. 01-15

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF MAKING APPLICATION AND ACCEPTING FUNDS FROM THE RECREATIONAL TRAILS PROGRAM AND/OR THE CLEAN OHIO TRAIL FUND FOR THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the Recreational Trails Program and the Clean Ohio Trail fund.

WHEREAS, the Village of Bluffton desires financial assistance under the Recreational Trails Program and/or the Clean Ohio Trail Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

Section 1. That the Village of Bluffton approves filing an application for Recreational Trails Program and/or Clean Ohio Trail Fund financial assistance.

Section 2. That the Village Administrator is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3. That the Village of Bluffton does agree to obligate the funds required satisfactorily to complete the proposed project and become eligible for reimbursement under the terms and conditions of the Recreational Trails Program and the Clean Ohio Trail Fund.

Section 4: That an emergency exists in the operation of the Village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed and adopted the _____ day of _____, 2015, by the governing board of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Noes: _____ Abstain: _____

Attest _____
Nancy Kindle
Fiscal Officer

Judy M. Augsburger, CPA
Mayor

Approved as to Form: _____
F. Stephen Chamberlain
Solicitor

CERTIFICATION

The undersigned hereby certifies that the within is a true and correct copy of Resolution No. 01-15, passed on first reading by the Council of the Village of Bluffton, Ohio on the 19th day of January, 2015.

Dated: _____

Nancy Kindle, Fiscal Officer

**To: Mayor Augsburger
Council Members**

Personnel

On December 15, 2014, John Bowers successfully passed the certification exam for his Water II license. John was able to sit for the exam under a new testing format that permits applicants to take the exam on computer at a satellite location and learn the results the same day. Along with his Water II license, John also holds a Sewer III license. I would like to congratulate John and recommend to Council that, in accordance with the Village's Wage Scale Ordinance, Council approve a \$1.00 per hour wage increase for Mr. Bowers retroactive to December 15, 2014.

Brush Grinding

We have received one quote thus far for the grinding of the brush dump. We are expecting two contractors to evaluate the project on-site next week and submit quotes. We were hoping to have the quotes prior to this Council meeting, but the contractors were unable to visit prior to now. Ideally, we will have multiple quotes for Council's consideration at the February 2, 2015 Council Meeting.

Annual Bids

Beginning this week, the Village will be advertising for the Annual Bids for Installation/Excavation as well as Aggregate and Asphalt. The bids will be due by 11:00 AM on Thursday, February 12, 2015. I am anticipating Council Action on the annual bids at the February 16, 2015 Council Meeting.

Water

The Service Department is working deliberately to adjust the water distribution system to maximize the efficiency of the system to address TTHM's while balancing the need to maintain capacity within the system. We are following the timeline that was submitted to the OEPA to make adjustments, analyze the impacts, and continue the process. Additionally, Jesse Blackburn will be working on the paperwork required to be eligible to participate in the OEPA's Water Supply Revolving Loan Account (WSRLA) program should the Village be required to install a Trihalomethane Removal System within the distribution system.

Resolution No. 1-15

Resolution No. 1-15 is legislation that is necessary to be included in an application to the Ohio Department of Natural Resources' Recreational Trails Program/ Clean Ohio Trail Fund for financial assistance for the Triplett Bike Path Restoration project. This project would include resurfacing the Triplett Bike Path from College Avenue to the Village Park. Jesse Blackburn is in the final stages of completing the application paperwork for this grant program.

Alley Vacation Hearings

Just a reminder that we have an Alley Vacation Hearing scheduled for Monday, January 19, 2015 at 8:15 PM to consider the requested vacation submitted by Kirtland's and Snyder's. Additionally, we have another Alley Vacation Hearing scheduled for February 2, 2015 at 8:15 PM to consider the petition from Tom Bernhoft.

Planning Commission Recommendation

A public hearing before the Bluffton Planning Commission was held on Wednesday, January 7, 2015 at 7:00 PM to consider a request from Stanley Clemens to change the zoning classification of a parcel located at 54 S.R. 103 from R-1 to Commercial-II. The Planning Commission approved a motion to recommend to the Village Council that the re-zoning request be approved. A Public Hearing before the Village Council has been scheduled for Monday, February 16, 2015 at 8:15 PM to consider the recommendation of the Village Planning Commission.